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Employment and Assistance Appeal Tribunal

Annual Report

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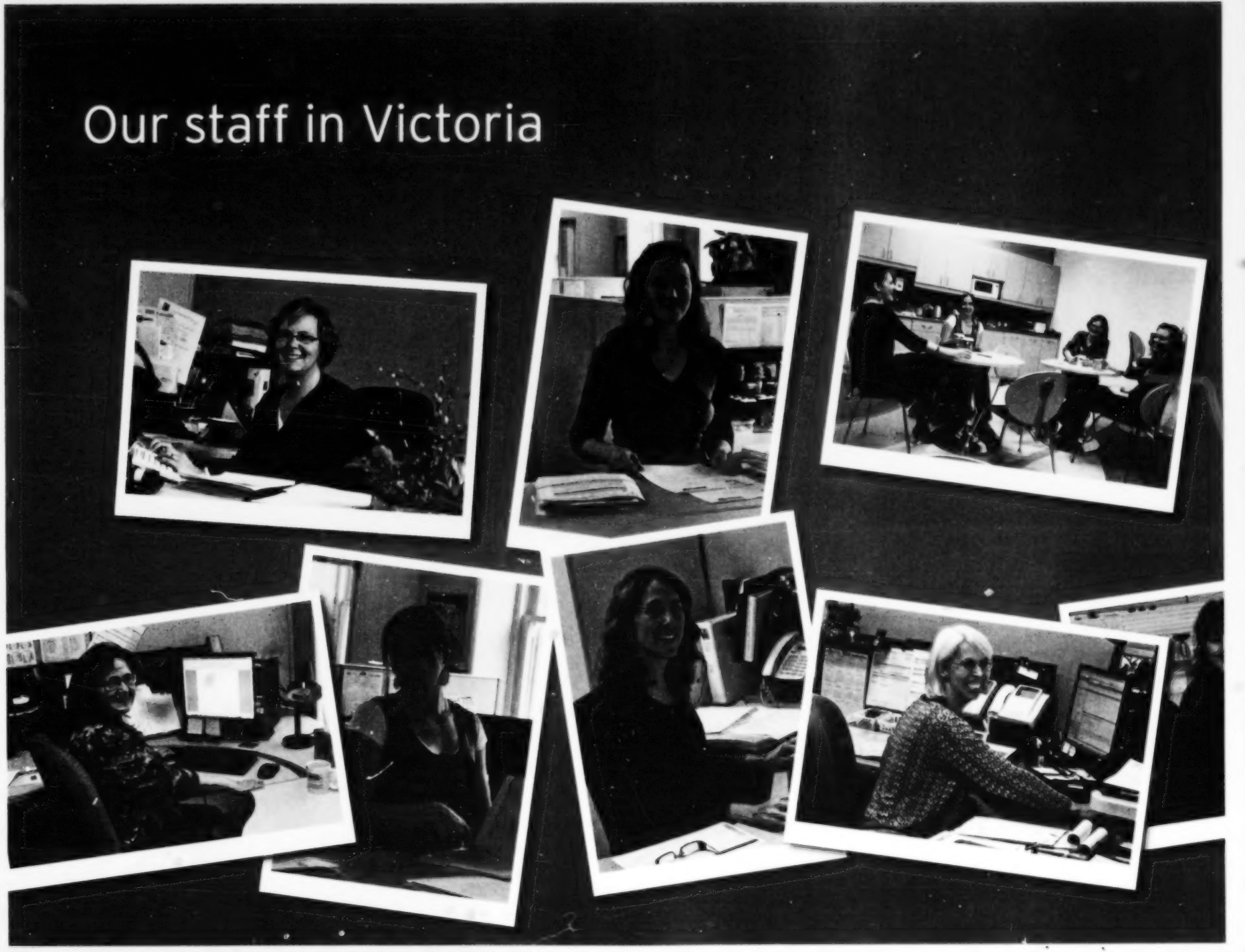

December 2009

Honourable Rich Coleman
Minister of Housing and Social Development

Dear Minister:

It is my pleasure to present the annual report for the Employment and Assistance Appeal Tribunal covering the period October 1, 2008 to September 30, 2009. The report has been prepared in accordance with section 20(1) of the *Employment and Assistance Act*.

Marilyn R. McNamara
Chair, Employment and Assistance Appeal Tribunal

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Our Mission

The mission of the Employment and Assistance Appeal Tribunal is to provide an independent and accessible appeal process that delivers timely and fair decisions reviewing Ministry of Housing and Social Development determinations in regards to the employment and assistance program, and Ministry of Children and Family Development determinations in regards to the child care subsidy program.

Message from the Chair

It is my privilege to present the seventh annual report of the Employment and Assistance Appeal Tribunal.

For the first time, panels consisting of one member were appointed to hear an appeal. This has been a successful endeavour and assisted the Tribunal to work within a reduced budget while appeals increased 46% over the previous reporting period.

Our recently revised computer-based training program was also instrumental in reducing costs as members completed the training at home.

On completion of the training, members were assigned to panels with an experienced chair. These mentors take their additional (volunteer) responsibilities seriously and I would like to recognize their efforts and thank them for their assistance. Member performance was evaluated using the Competency-Based Learning and Development Tool prior to making recommendations on reappointment. The training, mentoring and coaching prepared members for chairing one member panels.

Recognising that literacy can be a barrier to accessing information, a number of video clips of the appeal process have been posted to our website to assist parties to be better prepared for the hearing.

Last year the Tribunal produced a brochure entitled "How to Appeal". This year, we produced a brochure in consultation with a number of advocacy agencies that is sent to the appellant on acceptance of their Notice of Appeal. "How to Prepare for Your Appeal" provides detailed information to assist appellants in their understanding of, and preparation for, the hearing.

The Tribunal now posts all decisions in order to illustrate the types of appeals heard by the Tribunal and to assist parties, advocates and the public. Personal information is removed to protect privacy.

I would like to thank the members for their excellent service; they make a significant contribution to their community through the work they perform for the Tribunal.

I would also like to thank staff for working diligently and with attention to detail while managing a significant increase in the number of appeals.

Our Vision

The Employment and Assistance Appeal Tribunal will be known for:

- Providing an accessible, independent, community-based, fair, timely, caring and ethical appeal process to hear appellants' disagreements with decisions of the Ministry of Housing and Social Development in regards to the employment and assistance program and the Ministry of Children and Family Development in regards to the child care subsidy program.
- Supporting members to provide quality service to promote public confidence in the integrity and competency of the Tribunal.
- Creating a healthy work environment that supports staff to provide quality service and to continually learn and develop knowledge, skills and expertise.

1. Who We Are and What We Do

The Employment and Assistance Appeal Tribunal

The Tribunal was established on September 30, 2002 to hear appeals of most types of decisions made by the Ministry of Housing and Social Development under the employment and assistance program. Since 2006, the Tribunal also hears appeals of decisions made by the Ministry of Children and Family Development under the child care subsidy program. The Tribunal provides a streamlined and efficient one-step appeal process, and is independent of both ministries.

The Tribunal consists of a Tribunal Chair and Vice-Chair, staff, and currently, 176 members located throughout the province. (See Appendix A for a list of staff and Appendix B for a list of members).

The Employment and Assistance Appeal Tribunal hears appeals of reconsideration decisions that refuse, reduce or discontinue income, disability assistance or a supplement; decisions regarding the amount of a supplement; and decisions that refuse to grant hardship assistance under:

- Section 17 of the *Employment and Assistance Act*, and
- Section 16 of the *Employment and Assistance for Persons with Disabilities Act*.

The Tribunal also hears appeals of reconsideration decisions that refuse, reduce or discontinue a subsidy under:

- Section 6 of the *Child Care Subsidy Act*.

Tribunal Members

Members are appointed by the Minister of Housing and Social Development after a merit-based process and on consultation with the Tribunal Chair. To be considered for appointment to the Tribunal, candidates must have:

- an understanding of the essential elements of the conduct of a fair and objective hearing
- an understanding of the key aspects of the *Employment and Assistance Act*, the *Employment and Assistance for Persons with Disabilities Act*, the *Child Care Subsidy Act*, and the regulations relevant to these Acts
- an ability to interpret and apply legislation
- analytical, decision-making and decision-writing skills
- an ability to listen and communicate clearly and effectively
- conflict resolution skills and a proven ability to work well in group settings
- a commitment to respect diversity, and
- computer literacy.

In addition, to ensure independence and that hearings are fair and just, a member must not:

- be or have been an employee of the Ministry of Housing and Social Development or the Ministry of Children and Family Development for the past six months
- be an employee of the provincial government
- be a recipient of benefits under any of the acts for which the Tribunal has responsibility, or
- have any real or perceived interest in matters that come before the Tribunal.

Members are also required to abide by the Tribunal's Code of Conduct and Practices and Procedures and to maintain confidentiality.

NOTE: The Tribunal recruits new members from time to time. Anyone interested in being considered for appointment should refer to the Employment and Assistance Appeal Tribunal website, www.gov.bc.ca/eaat, or the Board Resourcing and Development Office website, www.fin.gov.bc.ca/BRDO, for information on how to apply.

The Appeal Process

The Tribunal hears appeals of reconsideration decisions made by the Ministry of Housing and Social Development in regards to the employment and assistance program, and the Ministry of Children and Family Development in regards to the child care subsidy program. A person must receive a reconsideration decision prior to requesting an appeal from the Tribunal. The appeal process, which is set out in the *Employment and Assistance Act* and Regulation, is the same regardless of which ministry made the reconsideration decision.

A person who applies for or receives assistance under the *Employment and Assistance Act* or the *Employment and Assistance for Persons with Disabilities Act* can ask for a reconsideration of a decision that resulted in a refusal, reduction or discontinuance of income or disability assistance, or a supplement; a decision regarding the amount of a supplement; or a decision that refuses to grant hardship assistance. More information about the Ministry of Housing and Social Development's reconsideration process is available from Ministry offices and from the Ministry's website, www.gov.bc.ca/hsd.

> “Those who are dissatisfied with the outcome of their request for reconsideration from either ministry can, in most cases, appeal to the Employment and Assistance Appeal Tribunal.”

A person who applies for or receives a child care subsidy can ask for a reconsideration of a decision that resulted in the refusal, discontinuance or reduction of a child care subsidy. More information about the Ministry of Children and Family Development's reconsideration process can be obtained by calling 1-888-338-6622 and asking to speak with an adjudicator.

Those who are dissatisfied with the outcome of their request for reconsideration from either ministry can, in most cases, appeal to the Employment and Assistance Appeal Tribunal. They must submit a Notice of Appeal form to the Tribunal within seven business days of receiving their reconsideration decision.

Upon receipt of a completed Notice of Appeal, the Tribunal decides whether the matter can be appealed. Factors that are considered include whether the Notice of Appeal was submitted within the prescribed timelines and whether the issue is appealable under the legislation.

If the matter is eligible for appeal, a panel of up to three persons is appointed and the hearing is commenced within 15 business days of the completed Notice of Appeal being delivered to the Tribunal. Most hearings are conducted in person, usually in or near the appellant's community. Hearings can also take place by teleconference or, if both parties consent, in writing.

The panel reviews the ministry's reconsideration decision and the appeal record, considers any supporting evidence provided by the appellant or the ministry, and renders a written decision, generally within five business days of the hearing. The Tribunal mails a copy of the decision to the appellant and the ministry within five business days of receiving it from the panel.

NOTE: Summaries of Tribunal decisions from 2008/09 are included in Section 4, "What Our Decisions Look Like." Complete Tribunal decisions are available on the website: www.gov.bc.ca/eaat.

MINISTRY RECONSIDERATION PROCESS

The Ministry of Housing and Social Development refuses, discontinues or reduces a benefit or the Ministry of Children and Family Development refuses, discontinues or reduces a child care subsidy.

A person may request a reconsideration of the ministry's decision by delivering a request for reconsideration to the ministry within 20 business days of being informed of the original decision.

The ministry has 10 business days to mail a reconsideration decision.

TRIBUNAL APPEAL PROCESS

If a person is dissatisfied with the reconsideration decision, he or she may submit a Notice of Appeal to the Employment and Assistance Appeal Tribunal.

The person has 7 business days to submit the Notice of Appeal to the Tribunal.

ORAL HEARING

Within 15 business days of receipt of the completed Notice of Appeal, the Tribunal schedules an oral hearing in person or by teleconference.

The panel hears the appeal in person or by teleconference.

The panel renders a decision, either confirming or rescinding the ministry decision.

The panel has 5 business days to provide the Tribunal with a written decision.

The Tribunal has 5 business days to mail the decision to the parties.

WRITTEN HEARING

Within 15 business days of receipt of the completed Notice of Appeal, the parties receive a letter from the Tribunal commencing the written hearing.

The appellant has 7 business days to provide a submission.

The ministry has 7 business days to respond to the appellant's submission.

The panel convenes to render a decision, either confirming or rescinding the ministry decision.

The panel has 5 business days to provide the Tribunal with a written decision.

The Tribunal has 5 business days to mail the decision to the parties.

How to Appeal...

You have 7 Business Days

If you are dissatisfied with the Ministry's reconsideration decision:

1. **Complete the Notice of Appeal form.**
2. **Submit to the TRIBUNAL within 7 business days of receiving the Ministry's reconsideration decision.**
3. **Send the Notice of Appeal to the Employment and Assistance Appeal TRIBUNAL by:**

MAIL: PO Box 9994 Stn Prov Govt, Victoria, BC V8W 9R7

FAX: Toll free: 1-877-356-9687, in Victoria: 250-356-9687

EMAIL: eaat@gov.bc.ca

You may **pick up** the Notice of Appeal form at your Ministry office or by contacting the Employment and Assistance Appeal TRIBUNAL.

How to Contact the **Employment and Assistance Appeal TRIBUNAL**

TELEPHONE: Toll free **1-866-557-0035**
In Victoria **250-356-6374**
EMAIL: **eaat@gov.bc.ca**
WEBSITE: **www.gov.bc.ca/eaat**

This Tribunal brochure is included with every reconsideration decision denying the request.

Employment and Assistance Appeal Tribunal

How to Prepare for Your Appeal

This Tribunal brochure is sent to every appellant on acceptance of their Notice of Appeal.

2. If You Want To Appeal

How to Appeal

If you are dissatisfied with the ministry's reconsideration decision, complete a Notice of Appeal form and send it to the Tribunal within 7 business days of receiving your reconsideration decision.

Type of hearing

The Tribunal will attempt to accommodate your request for the type of hearing indicated on your Notice of Appeal: oral (in person or by teleconference) or in writing.

Oral hearing - In person

If your hearing is proceeding as an oral hearing in person, the Tribunal will send you a Notice of Hearing, which you will receive at least two business days before the hearing is to take place, notifying you of the date, time and place of the hearing. Hearings will usually take place in or near your community. You have the right to call witnesses and present evidence in support of the information and records at reconsideration. You also have the right to make arguments in support of your case, and to have a family member, friend or advocate assist you during the appeal process.

Oral hearing - By teleconference

If your hearing is proceeding as an oral hearing by teleconference, the Tribunal will send you a Notice of Hearing, which you will receive at least two business days before the hearing is to take place. The Notice of Hearing includes the date and time of the hearing, as well as instructions for accessing the teleconference. As in an oral hearing in person, you have the right to call witnesses and present evidence in support of the information and records at reconsideration. You also have the right to make arguments in support of your case, and to have a family member, friend or advocate assist you during the appeal process.

Written hearing

If you request a written hearing, and the ministry agrees, the Tribunal will send you a letter establishing a schedule for the written submission process. You will be given seven business days to provide a submission to support your case. On receiving your submission, the Tribunal will forward it to the ministry, and give the ministry seven business days to provide a written response. The Tribunal will then forward the appeal record, including the submissions, to the panel for review.

After the Hearing

The panel will provide the Tribunal Chair with a written decision within five business days of the conclusion of the hearing. Upon request of a panel chair, the Tribunal Chair may extend the time limit by no more than 10 additional days if satisfied that the panel is making all reasonable efforts to provide its determination in a timely manner, and the best interests of the parties are served by the extension. The decision will either confirm or rescind the ministry reconsideration decision. The Tribunal will mail a copy of the decision to the parties within five business days of receiving it from the panel. Decisions will not be provided over the telephone. The Tribunal decision is final; however, you can commence a judicial review by filing a petition in the BC Supreme Court, write to the Ombudsman if you feel you have been treated unfairly, or write to the Tribunal Chair with any concern.

3. How We Did in 2008/09

The Tribunal's Strategic Plan establishes performance indicators for specific objectives. Once again, the Tribunal has been successful in ensuring that 100% of the appeals were commenced within the legislated 15 business days and that Tribunal decisions met the statutory timelines. Meeting these targets is particularly noteworthy as the number of Notices of Appeal increased 46% over the previous reporting period.

Here is a brief summary of the results of our work for the reporting period of October 1, 2008 to September 30, 2009.

Notices of Appeal Received

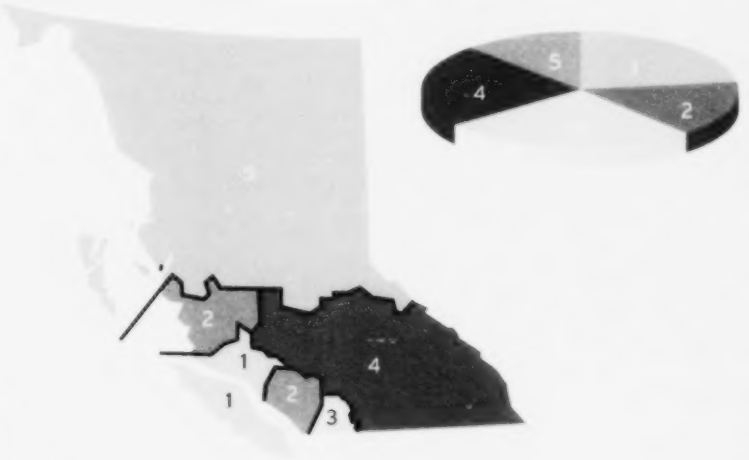
Notices of Appeal received (for both the Ministry of Housing and Social Development and the Ministry of Children and Family Development)	**993**
Appeals assessed as not within the jurisdiction of the Tribunal (do not proceed to hearing)	**82**
Appeals dismissed (before or during hearing)	**37**
Files carried over (Notices of Appeal received before September 30, 2009 but proceeding to hearing after or not assessed by September 30, 2009)	**86**

Appeal Files Entered into CITAR By Appeal Type:

Disabilities - Persons with Disabilities-Designation	320
Disabilities - Persons with persistent multiple barriers (PPMB)	30
Eligibility - Deductions on income/earnings exemptions	22
Eligibility - Dependency/living Arrangements	24
Eligibility - Eligibility audit	1
Eligibility - Excess income/assets	94
Eligibility - Failure to accept/ pursue income/assets	4
Eligibility - Failure to provide information/verification	17
Eligibility - Residency	4
Eligibility - Undeclared income/assets	11
Employment - Dismissed/quit/refused employment	14
Employment - Employment Plan/failure to look for work	105
Employment - Requirement for two year financial independence	12
Health Supplements - Dental supplement	38
Health Supplements - Diet/natal supplements	1
Health Supplements - MSP/Other health supplements	8
Health Supplements - Medical Equipment	57
Health Supplements - Medical Supplies	11
Health Supplements - Medical Transportation	15
Health Supplements - Monthly Nutritional Supplement (MNS)	40
Health Supplements - Short-term nutritional supplement Products	2
Health Supplements - Therapies	7
Other - CIHR/under 19	5
Other - Child care	12
Other - Crisis supplement	58
Other - Family maintenance	2
Other - Other	79

Appeal Files Entered into CITAR By Region:

Region 1	**Vancouver Island**	251
Region 2	**Vancouver Coastal**	164
Region 3	**Fraser**	243
Region 4	**Interior**	206
Region 5	**Northern**	129



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> “Performance evaluations assist members by analyzing their skills and abilities, indicating areas where members would benefit from additional training.”

Appeal Outcomes

The total number of Notices of Appeal received differs from the number of appeals closed because of files carried over from the previous year or into the following year and various other factors. The number of decisions confirmed and the decisions rescinded do not equal the number of appeals heard for the same reason. The following statistics relate to appeal files that were closed in 2008/09.

Ministry of Housing and Social Development

Appeals heard	830
Decisions confirmed	580
Decisions rescinded	246

Ministry of Children and Family Development

Appeals heard	8
Decisions confirmed	6
Decisions rescinded	2

Tribunal Members

The legislation requires that those interested in becoming a member have an understanding of the key aspects of the relevant legislation and the essential elements for the conduct of a fair and objective appeal. All applicants are provided with an exercise that enables them to demonstrate the prescribed knowledge and skills.

New members successfully completed our computer-based training program (CBT); their comments were useful in recent revisions to the CBT.

On completion of the training, members were assigned to panels with an experienced chair who acted as a mentor. Member performance was then evaluated using the Competency-Based Learning and Development Tool, which has proven to be very effective in assessing knowledge and skills and coaching members. This evaluation must be completed prior to the Tribunal Chair making a recommendation on reappointments to the Minister of Housing and Social Development. Training, mentoring and coaching has successfully prepared new members, and more experienced members, to chair one member panels.

Performance reviews of members	31
Applicants who completed testing	15
New members provided with the CBT	32
Members appointed	32
Members reappointed	3
Total members as of September 30, 2009	176

Number of members - by region

Region 1	**Vancouver Island**	48
Region 2	**Vancouver Coastal**	31
Region 3	**Fraser**	24
Region 4	**Interior**	58
Region 5	**North**	15

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Region 3	**Fraser**	24
Region 4	**Interior**	58
Region 5	**North**	15

4. What Our Decisions Look Like

CASE 1 Excess Income

Ministry Decision

Denied income assistance for one month after determining that a seized Canada Revenue Agency income tax refund is considered income under the legislation

---

Summary of Facts

The evidence before the Ministry was that the appellant, as sole recipient of income assistance, was eligible for a monthly support allowance of $610. In May, the appellant received a $1,091 income tax refund from the Canada Revenue Agency which was seized to be applied directly to amounts the appellant owed to the Universal Child Care Benefit, the Canada Child Tax Benefit and the Family Enforcement Program.

Tribunal Decision - Ministry decision confirmed

Reasons for Decision

The issue in this appeal was whether the Ministry decision to deny the appellant income assistance for one month was a reasonable application of the *Employment and Assistance Act* in the circumstances of the appellant or was reasonably supported by the evidence.

Section 10 of the Employment and Assistance Regulation stipulates that for the purposes of the *Employment and Assistance Act* and regulation, "income" includes an amount garnished, attached, seized, deducted or set off from the income of a recipient. Under this section, a family unit is not eligible for income assistance if the net income of the family unit equals or exceeds the amount of income assistance.

The Ministry's position was that under section 10 of the regulation, the appellant's income for the month must include the seized income tax refund. The appellant's position was his refund cannot be considered income because he did not receive it and without income assistance he could not meet his monthly expenses.

The panel found that the Ministry was reasonable in determining the income tax refund was income for the purposes of the Act and regulation as section 10 of the regulation clearly states that any amount seized from the income of a recipient is included in the calculation of income. The panel found that the Ministry was also reasonable in concluding there is no exemption for seized income tax refunds. As the amount of income exceeded the amount of income assistance payable, the panel determined the Ministry was reasonable in denying income assistance to the appellant for that month.

The panel determined that the Ministry decision was a reasonable application of the applicable enactment in the circumstances of the appellant and confirmed the decision.

CASE 2 Employment Plan

Ministry Decision

Discontinuance of income assistance for failure to comply with the conditions of an employment plan

---

Summary of Facts

The evidence before the Ministry included an employment plan and documents confirming the appellant did not attend 10 of the 29 scheduled appointments in 8 months. The appellant is a stay-at-home and single parent of two preschool children.

At the hearing, the appellant submitted a new note from her physician stating she is not able to work because she is 3 months pregnant and has other chronic health issues. The panel held the note was admissible as it was in support of the information and records before the Minister. However, the evidence was given little weight as the appellant was not pregnant for 7 of the 8 months in question and the reference to other health issues was not sufficiently detailed to determine she missed appointments due to medical reasons.

Tribunal Decision - Ministry decision confirmed

Reasons for Decision

The issue in this appeal was whether the Ministry decision to discontinue the appellant's income assistance for failure to comply with the conditions of her employment plan was a reasonable application of the *Employment and Assistance Act* in the circumstances of the appellant or was reasonably supported by the evidence.

Section 9(1) of the *Employment and Assistance Act* requires that, to be eligible for income assistance, a recipient must comply with the conditions of an employment plan. Section 9(4)(a) provides that if the employment plan includes a condition requiring the recipient to participate in a specific employment program, that condition is not met if the person fails to demonstrate reasonable efforts to participate in the program.

The Ministry's position was the appellant failed to demonstrate reasonable efforts to participate in the employment program as she missed many appointments. The appellant's position was that she had not failed to demonstrate reasonable efforts given her lack of child care and chronic health problems.

The panel found the Ministry was reasonable in determining the appellant had failed to demonstrate reasonable efforts as required by section 9(4)(a) given the appellant missed 10 of the 29 appointments, chose not to take steps to resolve her child care issues and did not provide sufficient evidence from her doctor to support that she was unable to attend the missed appointments. Therefore, the Ministry was reasonable in discontinuing her income assistance under section 9(1) for failure to comply with her employment plan.

The panel determined that the Ministry decision was reasonably supported by the evidence and confirmed the decision.

CASE 3 Person with Disabilities Designation

Ministry Decision

Request for designation as a person with disabilities (PWD) denied

---

Summary of Facts

The evidence before the Ministry was that the appellant's physician confirmed the appellant has a 1 - 2 year wait for surgery for degenerative disc disease, which is causing severe, chronic and debilitating back pain. The physician, who completed both the physician and the assessor report, stated the appellant was sometimes able to walk less than a block and on other days between 2 - 4 blocks, climb more than five steps, do no lifting, and remain seated for less than an hour. The physician noted that the appellant required morphine daily for severe pain. The physician report stated the appellant is restricted in all daily living activities, noting a continuous restriction in 6 of the 8 activities. The assessor report noted he is independent in half of the daily living activities, requires periodic assistance with two daily living activities, housekeeping and shopping, and takes significantly longer with two more, personal care and transportation. The physician report did not indicate the appellant required any help with his daily living activities, but the assessor report noted he needed assistance from friends.

At the hearing, the appellant submitted a page from the assessor report initialed by his physician who indicated the appellant requires continuous assistance from another person with lifting, carrying and holding. The updated medical information was admitted by the panel as evidence in support of the information and records before the minister when the reconsideration decision was made.

Tribunal Decision - Ministry decision rescinded

Reasons for Decision

The issue in this appeal was whether the Ministry decision to deny the appellant the PWD designation was a reasonable application of the *Employment and Assistance for Persons with Disabilities Act* in the circumstances of the appellant or was reasonably supported by the evidence.

Section 2(1) of the *Employment and Assistance for Persons with Disabilities Act* requires that a person meet 5 criteria: the person must have reached the age of 18; the minister must be satisfied there is a severe mental or physical impairment; a medical practitioner must be of the opinion it will continue for at least two years; a prescribed professional must confirm both that the impairment directly and significantly restricts the person's ability to perform daily living activities either continuously or periodically for extended periods and that, as a result of the restrictions, the person requires help to perform those activities.

The Ministry's position was that the evidence did not establish the appellant has a severe impairment that significantly restricts his ability to perform daily living activities and that he requires help to perform those activities. The appellant's position was he does have a severe impairment which significantly impacts his ability to perform many daily living activities, and he requires daily assistance to perform those activities. He stated the Ministry did not correctly interpret the medical evidence. As well, the physician completed the original reports while the appellant was living in a care facility where his meals were prepared and other assistance was available, which affected the evaluation.

Throughout the medical reports the physician described the appellant's impairment as severe, chronic and debilitating and indicates the appellant requires daily doses of morphine for pain control. The physician also stated the appellant can often walk less than a block, do no lifting, and remain seated for less than an hour. The new medical information established that the appellant needs continuous assistance with all lifting, carrying and holding. Therefore, the panel found, based on the medical reports and the new medical information provided at the hearing, the Ministry was not reasonable in concluding that the appellant does not have a severe physical impairment.

The panel and the physician reported in the original assessor's report that the appellant was independent in his daily living activities because the appellant was living in a care facility where assistance was provided. Further, the new assessor's report completed by the physician confirms the appellant's significant restrictions in all aspects of daily living activities requiring lifting, carrying and holding. The physician report stated the appellant is restricted in all daily living activities and continuously restricted in 6 of the 8 activities due to back pain; he is only independent in managing his finances and medication. Therefore, the panel found it was not reasonable for the Ministry to conclude the appellant was not directly or significantly restricted in performing daily living activities either periodically for extended periods or continuously.

The panel found that the Ministry was also not reasonable in concluding that the evidence did not establish that the appellant requires help to perform daily living activities. The original assessor report noted the appellant needed assistance from friends even though it described him as independent because he was living in a care facility where assistance was provided. The new information from the physician established that the appellant requires continuous assistance with lifting, carrying and holding, affecting many aspects of daily living activities such as laundry, housekeeping, meal preparation, shopping and going to and from stores. Thus, the significant help or supervision of another person is required.

The panel determined that the Ministry decision was not reasonably supported by the evidence and rescinded the decision.

Our Organizational Values

In carrying out its mission, the Employment and Assistance Appeal Tribunal is guided by the following values:

- Fairness
- Impartiality
- Excellence
- Efficiency
- Timeliness
- Accessibility
- Accountability
- Transparency
- Independence

5. Looking Ahead

The Tribunal will continue to look for ways to work within a reduced budget while not compromising on the provision of an accessible, timely, fair, caring and ethical process for hearing appeals.

One member panels were appointed where consent was provided by the appellant. In the coming year, we will continue to utilize one member panels although panels of more than one member will continue to be appointed.

The Tribunal routinely recruits members in order to provide oral in person hearings even in remote areas of the province. Those interested in becoming a member must have an understanding of the key aspects of the relevant legislation and the essential elements for the conduct of a fair and objective appeal as required by the legislation. All applicants will be provided with exercises that will assist them to acquire and then demonstrate the prescribed knowledge and skills.

Training for new members will be through our newly revised computer-based training program (CBT), eliminating training travel costs. Another benefit to this type of training is that the member must demonstrate an understanding of the information presented by successfully passing the performance checks within the CBT.

Our decisions will be posted to the web on a weekly basis and we continue to look for ways to assist parties to prepare for their appeal.

The Tribunal will: support parties and their representatives with the appeal process; support communities by providing training that enable those interested to acquire the prescribed qualifications required of members; support members through training, mentoring, performance evaluations and coaching; and support staff through health and wellness programs and training.

> “Both independence and impartiality are fundamental not only to the capacity to do justice in a particular case but also to public confidence in the administration of justice.”
>
> The Honourable Mr. Justice Le Dain

Glossary

act | the Employment and Assistance Act

appeal record | the appeal record for the Tribunal is initially comprised of the Notice of Appeal and the record of the ministry decision. As the appeal progresses, it also includes submissions, any new information admitted into evidence at the hearing, and the Tribunal decision

appellant | a person who commences an appeal

business day | a day between the hours of 8:30 am and 4:30 pm other than Saturday, Sunday, or a statutory holiday

independent | the activities of the Tribunal are separate and operate at "arms length" from both ministries

members | a member of the Tribunal appointed by the Minister of Housing and Social Development under section 19(2)(c) of the act

minister | the Minister of Housing and Social Development or the Minister of Children and Family Development, depending on context

ministry | the Ministry of Housing and Social Development or the Ministry of Children and Family Development, depending on context

Notice of Appeal | the appeal form specified by the Minister of Housing and Social Development that must be submitted to the Tribunal in order to commence an appeal

oral hearing | a hearing that is conducted in the presence of the parties and the panel members or by teleconference

panel | the member(s) designated by the Tribunal Chair under section 22(1) of the act to hear an appeal

panel chair | the chair of a panel designated under section 22(2) of the act

party | in relation to an appeal to the Tribunal, the appellant and/or the minister whose decision is under appeal

reconsideration decision | the final ministry decision pertaining to the initial request, and the decision that may be appealed to the Tribunal

record of ministry of decision | the information and records that were before the minister when the reconsideration decision under appeal was made

representative | an agent, lawyer, or advocate representing a party during an appeal

tribunal | the Employment and Assistance Appeal Tribunal established under section 19(1) of the act

tribunal chair | the chair of the Tribunal appointed under section 19(2)(a) of the act

witness | a person who provides evidence at a hearing

written hearing | a hearing that is conducted through the submission of written evidence and written argument

Appendix A:
Tribunal Staff

(October 1, 2008 - September 30, 2009)

Dores Baxter
Melrose Boado
Kimberley Bowman
Rosalind Chapman
Witney Cole
Megan Hetherington
Tracie Horne
Dale Krocker
Marilyn McNamara
Glenna McEwen
Sarah McEwen
Nicole Murray
Cloë Nicholls
Lynda Parent
Renee Petersen
Valerie Provencal
Linda Sturtridge

Appendix B:
Tribunal Members

(October 1, 2008 - September 30, 2009)

Region 1

Vaughn Allin
Denise Barber
William Bell
Glenys Blackadder
Deborah Bromley
Diane Coe
Beverly Coleman
David Coombe
Joan Cotie
Douglas Courtice
Eric Dahli
Jakob de Villiers
Endre Dolhai
James Dunn
Judith Dyrland
Susan Edwards
Karen Gillan
Richard Grounds
Peter Gustar
Margaret Haigh
William Heflin
Gina Hepp
Daniel Horovatin
Joyce Johnston
Gabriella Lang
Avo Lepp
Victor Lotto
Richard Macintosh
Robin MacNair
Layne Marshal
Harry Martin
Richard McCarthy
Judith McFarlane
Marilyn McNamara
Marilyn McPherson
Andrew Murray
Jane Nielsen
Rita Parikh
Delina Petit-Pas
Mary-Ann Pfeifer
Kenneth Porter
Bob Purgavie
Garnet Renning
Pierre Rousseau
Patricia Smith
Gail Stewart
Jacquie Tarasoff
Dianne Thomas
Trevor Thompsett
Fred Thompson
Kenneth Thornicroft
Barry Vogel
Bruce Webber
Frank Whitton

Region 2

Jane Agg
Sheila Begg
Gail Brown
Arlene Henry
Allan Hewett
Marie Ingram
Roy Johnson
Daniel Kiselbach
Denise LeGrand
Carla Lewis
Yuki Matsuno
Terry Mullen
David Neave
Sheldon Nider
Debbie Nider
Ethel Niessen
Art Perret
Don Peters
Louis Peterson
Sandra Polinsky
Patrick Poyner
Claudia Roberts
Hope Sealy
Maria Shawcross
Lainie Shore
Gary Snarch
Shauna Strickland
Fred Taylor
Begum Verjee
Martha Warren
Kenneth Wilson
Bill Wright
Reece Wrightman

Region 3

June Barens
Linda Berg
Richard Bogstie
Richard Brock
Mary Bruce
David Coulson
Peter Davison
Jennifer Duprey
Karl Ellingsen
Hugh Gaffney
Adrian Harper
June Harrison
Lachlan Heron
Beverly Kennedy
Mebs Lalani
Allen Lees
Bernie Leong
Henry Neufeld
Ib Petersen
Lawrence Plenert
Mohindar Rattan
Ana Rocho
Kundan Sangha
Christopher Saunders
Jeremy Sibley
Corey Van't Haaff
Sandra Walters

Region 4

Peter Allik-Petersenn
Jaymie Atkinson
Lorianna Bennett
Gail Bernacki
Gus Boersma

Dale Carlson
Bill Carruthers
Brien Cates
Sandra Chapman
Marguerite Church
Susan Cooper
Linda Cross
Elizabeth Cytra
Kim Darling
Ingrid Davis
John Dormer
Gillian Dougans
Alex Dyball
Ruth Embree
Stewart Enderton
Larry Ferguson
Bob Fergusson
Elizabeth Fleet
Bob Forbes
Archie Gaber
Bruce Gardiner
Maxine Glover
David Goldsmith
Peter Grauer
Douglas Gresham
Larry Grist
David Handy
Dave Hanna
Sheila Hart
David Head
Bev Hibberson
Kathleen Higgs
Brian Hornidge
Larry James
Peter Knittel
Dianne Lockton
Cindy Lombard
Gary Lotochinski
Laura Lundie
Janet McCoy
Grace Mills-Hodgins
Richard Morley
Wayne Murphy
Gautam Parghi
Mary Pickering
Stewart Pike
Glen Prior
Laurent Rivard
Glen Shuttleworth
Brian Smith
Clinton Smith
Bill Stalker
Ron Sullivan
Wendy Takahashi
Thomas Thompson
Shiela Toth
Robin Tracy
Steve Uzick
Geoffrey Varley
Barry Watson
Christopher Wells
Paul Wortley

Region 5

Erin Anderlini
Denene Broza
Mary Chen
Bryan Crampton
Frank Donahue
Kerri Fisher
Daniel Gilgan
Steven Merrick
Suzette Narbonne
Lee Ongman
William Oppen
Andrew Roth
Andrew Shepherd
Linda Smerychynski
Frances Stanley
David Wilbur
William Woolsey

Appendix C:
Budget

(October 1, 2008 - September 30, 2009)

The provincial government's fiscal year begins April 1st. The Tribunal's reporting year begins October 1st. Therefore, budget tables for two fiscal years are shown so that the full Tribunal fiscal year is reported.

OPERATING BUDGET	APRIL 2008-MARCH 2009	APRIL 2009-MARCH 2010
Salaries and Benefits	$880,000	$880,000
Boards/Commissions/Courts - Expenses	135,000	121,000
Boards/Commissions/Courts - Fees	525,000	277,000
Public Servant Travel	30,000	22,000
Centralized Management Support Services	86,000	97,000
Professional Services: Operational	110,000	86,000
Information Systems: Operating	10,000	10,000
Office and Business Expenses	167,000	107,000
Statutory Advertising and Publications	6,000	5,000
Amortization Expense	11,000	11,000
Building Occupancy Charges	112,000	112,000
Recoveries	(2,000)	(2,000)
TOTAL	**2,070,000**	**1,726,000**

How To Contact Us

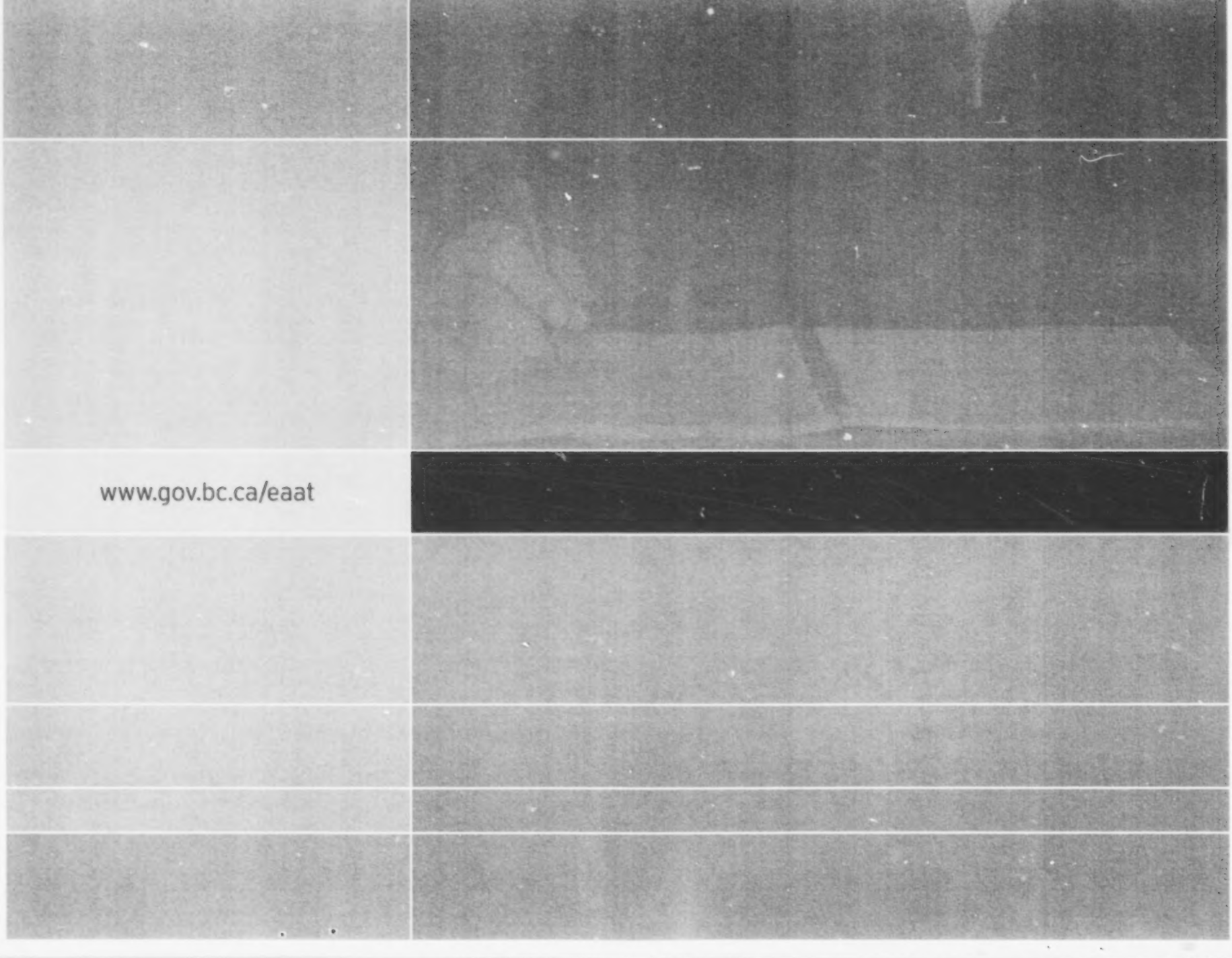
Call us at (250) 356-6374 or toll-free at 1-866-557-0035

e-mail us at eaat@gov.bc.ca

visit our website at www.gov.bc.ca/eaat

or ask for a brochure at your local Ministry of Housing and Social Development office.

For TTY users, call TELUS Relay Service at 1-800-855-0511



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